

EXHIBIT B

EXHIBIT B-1

Cause No. 22-1131-C395

Jerry Hofrock,
Plaintiff,

and

Freedom Mortgage
Defendant.

In the District Court
_____ Judicial District
Williamson County, Texas
Williamson County - 395th Judicial District Court

**Original Petition
with Request for Temporary
Restraining Order and
Temporary Injunctive Relief**

Jerry Hofrock, Original Petition against Freedom Mortgage with Request for Temporary Restraining Order and Temporary Injunctive Relief, and in support thereof would show the Court the following:

1. The damages sought in this Counterclaim are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Counter-Plaintiff states that Counter-Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000.

Venue

2. Venue is proper in this county in that the events giving rise to this cause of action occurred within Williamson County.

3. Plaintiff Jerry Hofrock is an individual living in Williamson County. He has made an appearance..

4. Defendant Freedom Mortgage Corporation, is a corporation organized under the laws of the state of FL. Freedom Mortgage Corporation is authorized to do business in Texas and may be served with process by serving CT Corporation System, its registered agent, by personal delivery at the registered office located at 1999 Bryan Street, Ste. 900, Dallas, TX 75201-3136

Discovery Control Plan

5. Under Texas Rule of Civil Procedure 190.3, Hofrock plans to conduct discovery

under Level 2 and affirmatively pleads this suit is not governed by the expedited actions process Rule 169 of the Texas Rules of Civil Procedure because Plaintiff seeks injunctive relief.

Causes of Action

Breach of Contract against Freedom Mortgage

6. Hofrock, successor in interest to Tedo Acclis and Nicole Acclis, both in law and in equity, continued to pay Freedom Mortgage via the existing deed of trust and promissory note amended by subsequent forbearance agreement during COVID. Following completion of the forbearance period, Hofrock's payments were not being applied to his account and he began to receive notices of default. For an unknown reason at this time, Freedom Mortgage began to cease communication with him and ignore the power of attorney he had used for almost three (3) years.

7. Because of that breach and the misapplication of funds, the house has been put into foreclosure.

8. Freedom Mortgage had a duty to execute the contract and apply Hofrock's funds to the account in a proper manner.

9. Hofrock has been damaged as a result in an amount to be determined at trial.

Accounting

10. Plaintiff Hofrock demands an accounting of all funds paid to Co-Respondent Freedom Mortgage Corporation.

Application for Temporary Restraining Order

11. Plaintiffs ask the Court for specific injunctive relief of restraining the sale of property at question in this suit, specifically the property at 8304 Paola Street, Round Rock, TX 78665.

12. Plaintiff's application for a specific temporary restraining order is statutorily authorized under Texas Rule of Civil Procedure 680.

13. Plaintiffs are likely to recover from Defendants after a trial on the merits because Respondent Freedom Mortgage failed to properly apply mortgage payments that were sent to it.

14. If this Court does not grant this request to restrain the Defendants, the Plaintiffs will suffer imminent and irreparable harm in that Respondent will lose his homestead and he is a senior citizen, depending on his homestead protections and living on a fixed income. He has no other place to live.

15. Plaintiffs have no adequate remedy at law because If he loses the property due to foreclosure, all of his payments will be for nothing and under Texas law loss of a homestead will cause him to be likely evicted before the family law case is finalized.

16. There is insufficient time to serve notice on Defendants and to hold a hearing on this petition and application because After being in contact with the mortgage company, they wanted multiple items that take too long to process in order to avoid the foreclosure sale and were no longer honoring his power of attorney he has been using for almost three years.

Bond

17. Plaintiffs is willing to post a reasonable bond for the temporary restraining order and request the Court to set the reasonable bond.

Request for Temporary Injunction

18. Plaintiffs ask the Court to set this application for temporary injunction for hearing and to issue a temporary injunction against Defendants after hearing.

Initial Disclosures for Freedom Mortgage

19. As provided in Rule 194, Texas Rules of Civil Procedure, required Initial Disclosures of all items listed in Rule 194.2 must be made at or within 30 days after the filing of the first answer unless a different time is set by the parties' agreement or court order.

20. Plaintiffs ask the Court to keep the requirement of Initial Disclosures to be made

within 30 days.

Constructive Trust

21. The Court should order a constructive trust put around the sale of this property if it is sold at foreclosure so that the proceeds may be distributed according to the final decree of divorce and disposition of property in the underlying Williamson County family law case at issue in CCL 4, No. 122-0200-FC4, IMMO Nicole Acclis and Tedo Acclis.

Jury Demand

22. Plaintiffs request a jury trial and the appropriate fee is submitted with this petition.

Attorney's Fees

23. Defendant hereby requests judgment against Plaintiff for reasonable and necessary attorney's fees under the provisions of Texas Civil Practices & Remedies Code Section 38.001.

Prayer

Jerry Hofrock prays the Court enter judgment in favor of him on all matters stated above, including an award to him for costs of court and reasonable attorney's fees, and awarding him such other and further relief to which the Court determines Hofrock is entitled both in equity and at law.

Respectfully submitted,

CASEY LAW OFFICE, P.C.

/s/ Stephen Casey

Stephen Casey

Attorney for Jerry Hofrock

Texas Bar No. 24065015

P.O. Box 2451

Round Rock, TX 78680

Phone: 512-257-1324

Fax: 512-853-4098

Email: stephen@caseylawoffice.us

Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on April 20, 2022.

Dagnee "Dee" McKinney-Manning by electronic filing manager at dmckinney@settleorsue.com (interested party)

Scott A. Thompson by electronic filing manager at scott@austintexaslaw.com. (interested party)

Freedom Mortgage Corporation by personal delivery to its registered agent CT Corporation Systems at 350 N Saint Paul St, Unit 2900, Dallas, TX 75201

/s/ Stephen Casey
Stephen Casey
Attorney for Plaintiff Jerry Hofrock

EXHIBIT B-2

FILED
at 11:00'clock A22-1131-6315
Cause No. 22-0200-FC4

AUG 02 2022

District Clerk, Williamson Co., TX
In the County Court at Law
Number Four 3957- Judicial District
Williamson County, Texas~~In the Matter of the Marriage of~~~~Nicole D. Acclis,~~~~Petitioner~~~~and~~~~Tedo R. Acclis,~~~~Respondent,~~~~and~~~~Jerry Hofrock,~~~~Respondent, Plaintiff~~~~and~~~~Freedom Mortgage~~~~Respondent, Defendant~~**Temporary Restraining Order and
Order Setting Hearing for
Temporary Injunction**

The Court upon considering Jerry Hofrock, Plaintiff's, application for temporary restraining order, the pleadings, the affidavits, and the arguments of counsel, finds there is evidence of harm that is imminent to Plaintiff and if the issuance of the temporary restraining order is not granted Plaintiff will be irreparably injured because ~~Respondent~~ ^{Defendant Plaintiff} will lose his homestead, he is a senior citizen, depending on his homestead protections and living on a fixed income. He has no other place to live.

The Court further finds an ex parte order without notice to Freedom Mortgage Corporation, Defendant, is necessary because time is insufficient to give notice, hold a hearing, and issue a restraining order before the harm of irreparable injury, damage, or loss would occur in that the allegations by Hofrock are that after being in contact with the mortgage company, no feasible manner of processing the documents to correct the improper permissions and correct the accounting would be possible in sufficient time in order to avoid the foreclosure sale, and Defendant Freedom Mortgage is no longer honoring Hofrock's power of attorney he has been using for almost three years.

THEREFORE IT IS ORDERED by this Court as follows:

1. Freedom Mortgage Corporation, and all of Freedom Mortgage Corporation's agents, attorneys, employees, officers, and successors and assigns are restrained and **ORDERED** to immediately cease and desist from restraining the sale of property at question in this suit, specifically the property at 8304 Paola Street, Round Rock, TX 78665, from the entry of this order until 14 days thereafter.
2. A hearing is set for August 11, at 9 AM on CrossPlaintiff Jerry Hofrock's application for temporary injunction.
3. Freedom Mortgage Corporation, Defendants, is **ORDERED** to appear at that time and show cause, if any cause exists, why this temporary restraining order should not be made a temporary injunction pending a full trial on the merits.
4. **IT IS ORDERED** that bond is set at \$500 and this order shall not be effective until Jerry Hofrock deposits the full bond amount with the Clerk.

SIGNED ON August 2, 2022 at 11:15 am


JUDGE PRESIDING

EXHIBIT B-3



FILED
at 12:03 o'clock P.M.

AUG 02 2022 AW



Lisa David
DISTRICT CLERK

Lisa David
District Clerk, Williamson Co., TX.

P.O. Box 24, Georgetown, Texas 78627
512.943.1212 Fax 512.943.1222

ISSUANCE REQUEST FORM

Date requested: 8/2/22

Cause # 22-1131-C395

Style of
Case:

Jerry Hafcock v. Freedom Mortgage

Name of person requesting issuance: Stephen Casey

Issuance
requested:

☒
☐

CITATION
PRECEPT

☐
☐

CAPIAS
BENCH WARRANT

☐
☐

WRIT
Other: _____

Document to include with issuance: 0 Pet & TRU

Agency to serve issuance: stephen@caseylawoffice.us

Party to be served: Freedom Mortgage Co.

1st Address line: 1999 Bryan St.

2nd Address line: St. 906

City, State, Zip: Dallas TX 75201

Party to be served: _____

1st Address line: _____

2nd Address line: _____

City, State, Zip: _____

Party to be served: _____

1st Address line: _____

2nd Address line: _____

City, State, Zip: _____

Fees: \$8.00 per issuance, plus copy fees.

*** IF NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED ***

EXHIBIT B-4

CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 22-1131-C395

JERRY HOFROCK VS. FREEDOM MORTGAGE

TO: Freedom Mortgage Corporation
c/o CT Corporation System
1999 Bryan Street, Ste 900
Dallas TX 75201-3136

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org

Attached is a copy of the ORIGINAL PETITION WITH REQUEST FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTIVE RELIEF in the above styled and numbered cause, which was filed on the 2nd day of August, 2022 in the 395th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 2nd day of August, 2022.

ADDRESS OF LEAD ATTORNEY FOR
PETITIONER:

Stephen Daniel Casey
PO Box 2451
Round Rock TX 78680

Lisa David, District Clerk
PO Box 24, Georgetown, TX 78627
Williamson County, Texas
(512) 943-1212



BY: *Sabrina Rodriguez*
Sabrina Rodriguez, Deputy

RETURN OF SERVICE

Came to hand on the ____ day of _____, 20__, at ____ o'clock ____ M. and executed at _____, within the County of _____, Texas, at ____ o'clock ____ M. on the ____ day of _____, 20__, by delivering to the within named _____, in person a true copy of this citation, with a true and correct copy of the ORIGINAL PETITION WITH REQUEST FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTIVE RELIEF attached thereto, having first endorsed on such copy of citation the date of delivery.

* **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) _____; for the following reason _____, the defendant may be found at _____.

**Strike if not applicable.*

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS
_____, SHERIFF/CONSTABLE BY: _____ DEPUTY

FEE FOR SERVICE OF CITATION : \$ _____

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.

My name is _____, my date of birth is _____, and my address is _____
Please print. (First, Middle, Last) (Street, City, Zip).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20__.

Declarant/Authorized Process Server

ID # & expiration of certification

EXHIBIT B-5

TEMPORARY RESTRAINING ORDER
THE STATE OF TEXAS
NO. 22-1131-C395

TO: FREEDOM MORTGAGE CORPORATION
c/o CT CORPOTARION SYSTEM
1999 BRYAN STREET, STE 900
DALLAS TX 75201-3136

GREETING:

Whereas, filed in the 395th Judicial District Court of Williamson County, Texas, on the 2nd day of August, 2022, in a suit numbered 22-1131-C395 on the Docket of said Court wherein

JERRY HOFROCK VS. FREEDOM MORTGAGE

alleging as shown by the certified copy of such pleadings attached hereto and made a part hereof, and upon presentation of said petition to him and consideration thereof, the Honorable Judge of said court, ordered that you are therefore commanded to desist and refrain from the actions set out and shown by the certified copy of such order attached hereto and made a part hereof, until and pending the hearing of such petition for a temporary injunction before the Judge of said Court on the day of August 11, 2022, at 9:00 AM in the 395th Judicial District Court located in the Williamson County Justice Center located at 405 Martin Luther King, in the City of Georgetown, Texas, when and where you will appear to show cause why injunction should not be granted upon such Petition effective until Final Decree in such suit.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, on this the 2nd day of August, 2022.

ATTEST:

Lisa David, District Clerk
PO Box 24, Georgetown, TX 78627
Williamson County, Texas
(512) 943-1212



BY: *Sabrina Rodriguez*
Sabrina Rodriguez, Deputy

OFFICER'S RETURN

Came to hand on the _____ day of _____, A.D., 20____, at _____ o'clock _____.M. and executed on the _____ day of _____, A.D., 20____, at _____ o'clock -- by delivering to the within named _____ in person, a true copy of this Writ at* _____.

(*State the day and hour and place of serving each defendant.)

FEES: \$ _____
Serving Writ \$ _____
Mileage _____ **miles** \$ _____
Total \$ _____

Sheriff/Constable/Other

County
By _____
Deputy